

## **MEMORANDUM**

**TO:** Governing Board Members

**FROM:** Deena Reppen, Deputy Executive Director, Regulatory and Public Affairs

**DATE:** May 18, 2010

**SUBJECT:** Authorize publication of the Notice of Rule Development to amend Chapters 40E-1, 40E-4, 40E-40, 40E-41, 40E-63, 40E-400, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District to: 1) update and correct titles, references and citations; 2) correct typographical errors and other minor corrections; 3) delete obsolete forms and other documents; 4) update rules for consistency with statutory amendments; 5) update process for submitting forms and other documents to the District; 6) repeal rules that are unnecessary because they are duplicative of rules set forth in the District's general rules, Chapter 40E-1, F.A.C.; 7) replace illegible maps in the Florida Administrative Code and renumber Figures for consistency; 8) update rule references from surface water management to environmental resource permitting; 9) delete rule titles following rule numbers within text; 10) correct effective date of forms to be consistent with effective date of rule; and 11) update rules incorporating materials by reference to conform to the Department of State's rule regarding materials incorporated by reference.

### **Background:**

Environmental Resource Regulation Department staff, in coordination with Office of Counsel, has reviewed all of the District's environmental resource permitting rules for outdated references, titles and citations, typographical errors, outdated processes, and outdated term "surface water management". During this review, District staff has also identified a number of obsolete forms and other documents, illegible maps, maps that need to be renumbered, unnecessary text and rules, and rules in need of updating in order to be consistent with statutory amendments.

In addition, in March 2009, the Department of State amended subsection 1B-30.005(2), F.A.C., to require materials incorporated by reference be identified by title, the form number, and effective date. Incorporated forms and instructions must also clearly display the form title, form number, effective date, and the number of the rule in which it is incorporated. Currently, the District's forms and rules do not conform to this requirement. These items must be corrected through a rule change. Staff recommends that all of these minor changes be incorporated into one rule development effort. The Recommendation section below outlines the proposed rule changes.

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### **Recommendation**

Staff recommends Governing Board approval to publish a Notice of Rule Development to amend the District's Rules 40E-1, 40E-4, 40E-40, 40E-41, 40E-63, 40E-400 F.A.C., and the Basis of Review for Environmental Resource Permits as follows:

- 1) update and correct titles, references and citations;
- 2) correct typographical errors and other minor corrections;
- 3) delete obsolete forms and other documents;
- 4) update rules for consistency with statutory amendments;
- 5) update process for submitting forms and other documents to the District;
- 6) repeal unnecessary rules;
- 7) replace illegible maps in the Florida Administrative Code and renumber for consistency;
- 8) update rule references from surface water management to environmental resource permitting;
- 9) delete unnecessary text;
- 10) correct effective date of forms to be consistent with effective date of rule; and
- 11) update rules incorporating materials by reference and forms to conform to the Department of State's rule regarding materials incorporated by reference

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